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Substantively Consolidated SIPA Liquidation of
Bernard L. Madoff Investment Securities LLC and
the Estate of Bernard L. Madoff*

**UNITED STATES BANKRUPTCY COURT
SOUTHERN DISTRICT OF NEW YORK**

SECURITIES INVESTOR PROTECTION
CORPORATION,

Plaintiff,

v.

BERNARD L. MADOFF INVESTMENT
SECURITIES LLC,

Defendant.

Adv. Pro. No. 08-01789 (SMB)

SIPA Liquidation

(Substantively Consolidated)

In re:

BERNARD L. MADOFF,

Debtor.

IRVING H. PICARD, Trustee for the Liquidation
of Bernard L. Madoff Investment Securities LLC,

Plaintiff,

v.

COHMAD SECURITIES CORPORATION, *et al.*,

Defendants.

Adv. Pro. No. 09-01305 (SMB)

**STIPULATION AND ORDER FOR VOLUNTARY DISMISSAL OF DEFENDANT
ROSALIE BUCCELLATO FROM ADVERSARY PROCEEDING WITH PREJUDICE**

Irving H. Picard (the “Trustee”), as trustee for the liquidation of the business of Bernard L. Madoff Investment Securities LLC (“BLMIS”), under the Securities Investor Protection Act, 15 U.S.C. §§ 78aaa-III (“SIPA”), and the substantively consolidated Estate of Bernard L. Madoff individually, by and through his counsel, Baker & Hostetler LLP, and Defendant Rosalie Buccellato (“Buccellato”), by and through her counsel, Vinson & Elkins LLP and Richards Kibbe & Orbe LLP (collectively, the “Parties”), hereby stipulate and agree to the following:

1. On June 22, 2009, the Trustee commenced this adversary proceeding (the “Adversary Proceeding”) against, among others, Buccellato, by filing his original complaint (ECF No. 1).

2. On October 8, 2009, the Trustee filed his First Amended Complaint (the “Complaint”) in the Adversary Proceeding against, among others, Buccellato (ECF No. 82).

3. Buccellato filed an Answer to the Complaint on December 11, 2009 (ECF No. 123).

4. In accordance with Federal Rule of Bankruptcy Procedure 7041(a)(1)(ii) and Federal Rule of Civil Procedure 41(a)(1), the Parties hereby stipulate to a dismissal with prejudice of all of the Trustee’s claims against Buccellato in the Adversary Proceeding.

5. Notwithstanding the dismissal of Buccellato from this Adversary Proceeding, Buccellato agrees to respond and produce documents responsive to all discovery requests from the Trustee in the Adversary Proceeding in accordance with the Federal Rules of Civil Procedure and all applicable rules for discovery on a party by a party, to make herself available for deposition, and to make herself available for trial; provided that if Buccellato moves outside of the New York metropolitan area, such deposition shall take place within her state of residence

and any reasonable travel expenses to attend trial shall be paid by the Trustee.

6. This Stipulation may be signed by the Parties, through their counsel, in any number of counterparts, each of which when so signed shall be an original, but all of which shall together constitute one and the same instrument. A signed facsimile, photostatic or electronic copy of this Stipulation shall be deemed an original.

7. Upon the dismissal of Buccellato, the caption of the Adversary Proceeding is hereby amended to delete Buccellato. The amended caption shall appear as indicated in Exhibit A to this Stipulation.

Dated: November 4, 2016
New York, New York

BAKER HOSTETLER LLP

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SO ORDERED this 4th day of November 2016.

/s/ STUART M. BERNSTEIN
HONORABLE STUART M. BERNSTEIN
UNITED STATES BANKRUPTCY JUDGE